

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

-----x  
JULIA BETANCES,

Plaintiff,

-against-

THE NEW YORK CITY HOUSING AUTHORITY,  
and TINO HERNANDEZ, as Chairman of the  
New York City Housing Authority,

Defendants.  
-----x

Civ. No. 08-4794 (RMB)

DECLARATION OF  
MICHAEL ROBINSON  
IN OPPOSITION TO  
PLAINTIFF'S MOTION FOR  
A PRELIMINARY INJUNCTION

MICHAEL ROBINSON, pursuant to 28 U.S.C. §1746 declares under penalty of perjury that the following is true and correct:

1. I am employed by defendant New York City Housing Authority ("NYCHA") in the position of Housing Assistant. I am assigned to Armstrong Houses in Brooklyn, New York.
2. I submit this declaration based on personal knowledge and on the books and records of NYCHA in opposition to plaintiff Julia Betances' motion for a preliminary injunction directing NYCHA not to rent the two-bedroom apartment located at 290 East 4<sup>th</sup> Street, Apt. 6C, New York, New York in NYCHA's Lower East Side Consolidated because plaintiff alleges that she requires that apartment as a reasonable accommodation of her son's mobility impairment.

**Plaintiff's Transfer Request**

3. Plaintiff has been the tenant of record of a four-bedroom apartment located at 449 Gates Avenue Apt. #1A, Brooklyn, New York in NYCHA's Armstrong Houses since December 23, 1998. A copy of the Tenant Data Summary is attached as Exhibit A. At that time, plaintiff's family

composition consisted of herself, three daughters, a niece and a niece's son. Id. I am currently the Housing Assistant for this building.

4. Attached as Exhibit B is a true copy of the Transfer – Emergency: Tenant Transfer Record Card, dated October 17, 2005. This record card reflects that in 2005, plaintiff sought a transfer on the grounds that a member of her family was an intimidated victim. The manager approved the transfer request, but noted plaintiff's poor rent paying record in that a non-payment dispossession had been served within the past twelve months and that rent for four months in 2004 had been paid late. Ultimately, plaintiff did not transfer at that time.

5. By August 2007, plaintiff's family composition consisted of just herself and her son. In August 2007, plaintiff submitted a request to transfer. The reason for the transfer was that plaintiff was downsizing from a six-room apartment to a four-room apartment. A true copy of the Tenant Transfer Options and Conditions is attached as Exhibit C.

6. On August 29, 2007, plaintiff selected Lower East Side II as her development choice from the Working Family Guide to Anticipated Vacancies ("Guide") even though the development did not indicate any anticipated vacancies of any two-bedroom apartments. See the Guide, effective 8/21/07 to 9/3/07, attached as Exhibit D. As a tenant transferring due to extreme-underoccupancy, plaintiff was eligible to select a development even if it did not appear on the Guide.

**Plaintiff Did Not Request Reasonable Accommodation of Her Son's Condition When She Selected and Moved to the Temporary Apartment**

7. Plaintiff's apartment at 449 Gates Avenue Apt. #1A in Armstrong Houses required repairs to the flooring and NYCHA agreed to move plaintiff temporarily to another apartment. Plaintiff was moved temporarily to another apartment in Armstrong Houses at 441 Gates Avenue Apt. #4C, which

is on the fourth floor of a walk-up building. Prior to plaintiff moving to that apartment, I showed plaintiff the apartment. Plaintiff viewed the apartment and indicated that it was acceptable to her. On March 13, 2008, plaintiff signed for keys to the apartment, lobby door and mailbox. A true copy of the Interview Record, dated March 13, 2008, is attached as Exhibit E.

8. Plaintiff never advised me that her son required any reasonable accommodation in that he needed to be in a first floor apartment or an elevator building. She did not raise this issue when she viewed and accepted the fourth floor apartment nor did she raise the issue with the Armstrong Houses management office at any time since March 13, 2008. If plaintiff had informed me of the need for an apartment on the first floor or in an elevator building as a reasonable accommodation, she would have been moved to such an apartment temporarily.

**NYCHA Attempted to Reasonably Accommodate Plaintiff's Son's Condition Upon Notification That He Required Accommodation**

9. Plaintiff first raised the issue of her son's need for reasonable accommodation through her counsel in this action. Prior to that, I had no knowledge that her son required any reasonable accommodation.

10. In light of plaintiff's contention that her son needed to be in an elevator building or in a first floor apartment, Armstrong Houses management searched for an available apartment either in an elevator building or first floor apartment. On Friday, May 30, 2008, I contacted plaintiff through a Spanish-speaking staff member to inquire into whether she was interested in transferring to an apartment on the 12<sup>th</sup> floor of an elevator building at 387 Lafayette Avenue, Brooklyn, New York in NYCHA's Lafayette Gardens, which is only six blocks from Armstrong Houses. Plaintiff indicated that she was interested and would come to the office on Tuesday morning (Monday being the

Memorial Day holiday) to look at the apartment. Plaintiff did not appear on Tuesday morning to look at the apartment.

**Plaintiff's Rent Arrears**

11. Plaintiff has a poor rent history. Plaintiff has had a balance owing since as early as January 2007; she has a current balance of \$5,229.50. Plaintiff is the subject of a non-payment action in the Civil Court of the City of New York, County of Kings, Housing Court Part A, Index No. 28651/2007. Other than a \$500 payment made at the direction of the housing court, plaintiff has made no payment at all since on or about October 9, 2007. A true copy of a printout of plaintiff's rent collection history, dated May 27, 2008, is attached as Exhibit F. This printout does not reflect the \$500 payment made at the housing court's direction.

12. During the course of the housing court proceedings, it was stipulated that plaintiff would go to the Armstrong Houses management office for a possible rent adjustment. A true copy of the Stipulation, dated April 14, 2008, is attached as Exhibit G. As a result of a review, plaintiff's monthly rent was adjusted from \$764 to \$694 effective June 1, 2008. A true copy of the Admission/Income Review Transcript, dated May 19, 2008, is attached as Exhibit H. At an appearance in housing court on May 20, 2008, plaintiff waived NYCHA's prima facie case and traverse, leaving as the sole issue to be tried plaintiff's claim for a rent abatement due to the condition of her prior apartment. A true copy of the May 20, 2008 Order of the housing court is attached as Exhibit I.

13. On June 2, 2008, the housing court proceeding was adjourned until June 19, 2008.

Dated: New York, New York  
June 3, 2008

A handwritten signature in dark ink, appearing to read "Michael Robinson", written over a horizontal line.

Michael Robinson

# **EXHIBIT A**

NYCHA 040.062 (REV. 2/75) <b>TENANT DATA - SUMMARY</b>		NEW YORK CITY HOUSING AUTHORITY  LOUIS ARMSTRONG (PROJECT)			ETHNIC GROUP: WHITE <input type="checkbox"/> BLACK <input type="checkbox"/> PUERTO RICAN <input checked="" type="checkbox"/> OTHER <input type="checkbox"/> (Specify)				
NAME OF TENANT  JULIA BETANCES					TRANSFERRED FROM  RESIDENT OF			FORMER SITE OCCUPANT  <input type="checkbox"/>	
<b>FAMILY COMPOSITION</b>									
NO.	NAME	DATE OF BIRTH	SEX	RELATION TO TENANT	VET. STATUS	DISABLED YES NO	HANDI-CAPPED YES NO	SOCIAL SECURITY NO.	REMARKS
1	Julia Betances	8/16/60	F	Tenant	N/V			072-70-7448	
2	Nancie Espejo	9/11/81	F	Niece	N/V			079-82-7084	014 H
3	Jennifer Sanchez	10/23/89	F	Daugh	N/V			080-76-1246	
4	Melanie Betances	1/8/88	F	Daugh	N/V			132-72-6265	
5	Algenis Payamps	5/30/96	F	Niece	N/V				
6	<del>Ramona Payamps</del>	<del>9/24/80</del>	<del>F</del>	<del>Daugh</del>	<del>N/V</del>				014 H
7									
8									
9									
<b>PERMANENT NOTES:</b> (RECEIPTS, IMPORTANT PAPERS, DISCHARGES, NAMES, ADDRESSES AND TELEPHONE NUMBERS OF AT LEAST 2 CLOSE RELATIVES OR FRIENDS, ETC.)									
TENANT'S TELEPHONE NO. <input type="checkbox"/> LISTED <input type="checkbox"/> UNLISTED								DOSS CASE NO.	
TENANT'S RELATIVE OR FRIEND - NAME, ADDRESS, TELEPHONE NO.									
TENANT'S RELATIVE OR FRIEND - NAME, ADDRESS, TELEPHONE NO.									
1. Wilson Castillo 111-18 95 Ave Richmond Hill (917) 872-6964 Cel(917) 407-8321									
(718) 850-8545									
2. Minerva Felipe Hancock Ave (718) 417-6828									
3. Pablo Almonte 938 Knickerbocker Ave (718) 418-9341									
DATES OF SERVICE: FROM _____ TO _____									
<b>OCCUPANCY RECORD</b>									
NUMBER AND STREET	ACCOUNT NUMBER	NO. OF ROOMS	GRADE OR BASIC RENT	FROM	TO	REASON FOR TRANSFER			
449 Gates #A	00A	6	\$312	1/99		New Application			
REASON MOVED OUT: _____									
MOVED TO: <u>499 Gates avenue #A</u> MONTHLY RENT: \$ <u>345.00</u> NO. OF ROOMS: <u>6</u>									

# **EXHIBIT B**



NYCHA 040.050E (Rev. 2/05) <b>TRANSFER - EMERGENCY: TENANT TRANSFER RECORD CARD</b>		NEW YORK CITY HOUSING AUTHORITY  <b>LOUIS ARMSTRONG HOUSES</b> MANAGING PROJECT NAME		ACCOUNT NUMBER  2 1 0 - 0 6 6 - 0 0 A				
HEAD OF HOUSEHOLD'S SOCIAL SECURITY NUMBER		1 3 2 - 7 2 - 6 2 6 5						
RACE/ETHNICITY: <input type="checkbox"/> WHITE <input type="checkbox"/> BLACK <input type="checkbox"/> PUERTO RICAN <input checked="" type="checkbox"/> OTHER HISPANIC <input type="checkbox"/> ASIAN or PACIFIC ISLANDER <input type="checkbox"/> NATIVE AMERICAN or NATIVE ALASKAN <input type="checkbox"/> OTHER (describe)								
NAME (Print) (Last) (First) <b>BETANCES, JULIA</b>		PRESENT # ROOMS <b>6</b>	FOR DEPT. OF HOUSING APPLICATIONS USE CERTIFICATION (FLD)		CERTIFICATION DATE			
ADDRESS <b>449 GATES AVENUE #0A BROOKLYN, NEW YORK 11216</b>		TELEPHONE NUMBER <b>(718) 623-3880</b>						
TENANT'S BOROUGH CHOICE (MAY BE THE SAME BOROUGH EXCEPT FOR S.I. TENANTS)								
TRANSFER TYPE		<input type="checkbox"/> BRONX <input checked="" type="checkbox"/> MANHATTAN <input type="checkbox"/> BROOKLYN						
PRIORITY CODE		<input type="checkbox"/> QUEENS <input type="checkbox"/> STATEN ISLAND						
Record of Tenancy	1a. Initial Housing Application Date <b>09 / 06 / 96</b>		1b. Initial Move-in Date <b>12 / 16 / 98</b>		1c. Initial Reason for Move-in: <b>OVERCROWDED</b>			
	2. Rent Paying Record: <input type="checkbox"/> Good <input checked="" type="checkbox"/> Poor (If poor is checked, explain in detail on the reverse side)							
	3. Housekeeping: <input checked="" type="checkbox"/> Neat <input type="checkbox"/> Fair <input type="checkbox"/> Poor (If poor is checked, explain in detail on the reverse side)							
	4. Behavior Problems: <input checked="" type="checkbox"/> No <input type="checkbox"/> Yes (If Yes is checked, give full details on reverse side)							
	<b>RENT PAYING RECORD IS NOT GOOD.</b>							
#	NAME	SOCIAL SECURITY #	BIRTH DATE (Mo./Day/Yr.)	RELATIONSHIP	#	EMPLOYMENT / SOURCE OF OTHER INCOME (Name & Address of Employer)	GROSS INCOME	DEDUC- TION
1	JULIA BETANCES	072-70-7448	08/16/60	TENANT				
2	MARLEN BETANCES	132-72-6265	01/08/88	DAUGHTER				
3	JENNIFER SANCHEZ	080-76-1246	10/23/89	DAUGHTER				
4	AKJENIS PAYAMPS	061-86-6720	05/30/96	SON				
5	NABCUS ESPEJO	079-82-7984	09/11/81	DAUGHTER	DATE	NET INCOME	\$	\$
SECURITY DEPOSIT Cash Paid \$ <b>223.00</b> <input type="checkbox"/> by Tenant <input type="checkbox"/> by Welfare <input checked="" type="checkbox"/> Prom. Note		Date Paid <b>12/16/98</b>		Mobility Impaired <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO		REASON FOR TRANSFER: <input type="checkbox"/> VDV <input checked="" type="checkbox"/> IV <input type="checkbox"/> CSV <input type="checkbox"/> IW		
DISPOSITION/SIGNATURE		DATE		COMMENTS/REASONS (detail on reverse side)				
MANAGER (Print & Sign) <b>B. Grant</b>		<input checked="" type="checkbox"/> APPROVED <input type="checkbox"/> DISAPPROVED		<b>12/17/98</b>				
DEPUTY DIRECTOR - S.S.D. (Print & Sign)		<input type="checkbox"/> APPROVED <input type="checkbox"/> DISAPPROVED						

<b>RENT PAYING RECORD</b>	a. Number Non-payment dispossesses served during past 12 months.  <b>1</b>	b. Actual Dates of LATE Rent Payment during last 12 months				
		MONTH & YEAR RENT DUE	ACTUAL DATE(S) RENT PAID	MONTH & YEAR RENT DUE	ACTUAL DATE(S) RENT PAID	
		12/01/04 01/01/04 03/01/04 05/01/04	06/01/04			
Record of Tenancy (details):  <b>FAIR-CHRONIC RENT DELINQUENT. NO POLICE RERORTS AGAINST TOR.</b>						
Comments/Reasons (if disapproved):  <b>NONE</b>						
Reason for Transfer (Development staff MUST detail reasons)  <b>MS. BETANCES FEARS FOR LIFE AND THE SAFETY OF HER CHILDREN.</b>						
<b>DISTRIBUTION:</b> ORIGINAL and 2 COPIES: ORIGINAL to Social Services Department, Emergency Transfer Unit (SSD-ETU) within two business days, whether or not approved • COPY to Manager's File, NOT tenant folder • COPY to Borough Director  <b>INSTRUCTIONS:</b> SSD-ETU to screen, evaluate, and obtain all needed approvals and send all approved Transfers to F.L.D. for assignment. Development to keep a copy of 040.050D Transfer – Emergency: Tenant Request for Transfer in tenant folder as record that transfer was processed.						

# **EXHIBIT C**

## TENANT TRANSFER OPTIONS AND CONDITIONS

## I. TRANSFER OPTIONS - TO BE COMPLETED BY OFFICE STAFF

INTRA <input type="checkbox"/>	INTER <input type="checkbox"/>	<input checked="" type="checkbox"/> BOROUGH <u>Manhattan</u>	<input type="checkbox"/> PROJECT
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## II. TENANT'S ACCEPTANCE OF TRANSFER OPTIONS

I hereby certify that I have reviewed all transfer options available to me and I have selected the following:

Over EAS Side II

(intra-project or inter-project, borough chosen or project chosen)

## III. TRANSFER CONDITIONS

If I am granted a transfer to another project apartment, I accept the following conditions:

1. I must vacate my old apartment leaving it completely empty and unoccupied and I will not receive the lease to the new apartment unless my old apartment is left empty and unoccupied.
2. I must securely lock the door to my old apartment and return all keys to the Management Office.
3. I may be responsible for up to fifteen (15) days rent on my old apartment after I have moved out.
4. I may be responsible for miscellaneous charges on my old apartment, undeterminable at this time, resulting from, but not limited to, removal of wall paper, removal of floor coverings, replacement of fixtures, removal of debris, etc. I will pay all such charges immediately or within a mutually agreed upon time period when notified by Management.
5. If I do not pay all sums due in the time agreed upon, all such sums shall be treated as rent due on my new apartment, and these sums may be collected as current rent in my new apartment and included in a summary proceeding in the Civil Court of the City of New York.
6. I agree that any termination of tenancy actions that could have commenced against me in my old apartment, may commence or continue against me in my new apartment.  
I further agree that any conditions placed against my tenancy while in the old apartment (for ex.: probation or permanent exclusion) shall remain valid and will apply to the new apartment. Permanent exclusion from the old apartment will mean permanent exclusion from the new apartment.
7. All conditions listed in this document will be deemed to constitute a LEASE AMENDMENT and will be fully effective against me and the entire tenancy in my new apartment.

RECEIVED  
SEP 10 2007  
LOUIS ARMSTRONG HOUSE

TENANT'S SIGNATURE <u>Julia Betancos</u>	RECEIVED SEP 18 2007 BROOKLYN MANAGEMENT DEPARTMENT	DATE <u>8/28/07</u>
HOUSING ASSISTANT (Print & Sign) <u>Louise Adams</u>		DATE <u>09/07/07</u>

<b>RENT PAYING RECORD</b>	a. Number Non-payment dispossesses served during past 12 months.  0	b. Actual Dates of LATE Rent Payment during last 12 months				
		MONTH & YEAR RENT DUE	ACTUAL DATE(S) RENT PAID	MONTH & YEAR RENT DUE	ACTUAL DATE(S) RENT PAID	
Record of Tenancy (details):						
Comments/Reasons: (if disapproved)						
Reason for Transfer: (details)						
Tenant downsizing. Moving from 6 rooms apartment to 4 rooms apartment.						
DISPOSITION / SIGNATURE		DATE	COMMENTS/REASONS (detail on reverse side)			
MANAGER (Print & Sign) <i>Barbara Grant</i>		<input checked="" type="checkbox"/> APPROVED <input type="checkbox"/> DISAPPROVED	9/12/07			
BOROUGH ADMINISTRATOR (Print & Sign) <i>W. Greg</i>		<input checked="" type="checkbox"/> APPROVED <input type="checkbox"/> DISAPPROVED	9/19/07			
BOROUGH DEPUTY DIRECTOR (Print & Sign) <i>W. Greg</i>		<input checked="" type="checkbox"/> APPROVED <input type="checkbox"/> DISAPPROVED	9/19/07			
<b>DISTRIBUTION: ORIGINAL and TWO COPIES • Original and One Copy to Borough • Borough to forward approved Transfer to F.L.D. if tenant not eligible to choose from Interviewer's Guide • Borough to return approved transfer to ORIGINATING PROJECT with a copy of the current Interviewer's Guide if tenant eligible to choose from Interviewer's Guide • Manager to forward approved transfer to F.L.D. after tenant chooses from the Interviewer's Guide</b>						

RECEIVED  
SEP 18 2007  
BROOKLYN MANAGEMENT DEPARTMENT

# **EXHIBIT D**

NYCHA 070.026D(Rev.2/07) WORKING FAMILY GUIDE TO ANTICIPATED VACANCIES				NEW YORK CITY HOUSING AUTHORITY APPLICATIONS AND TENANCY					EFFECTIVE DATE Tues 8/21/07
BOROUGH - MANHATTAN				Page 7					thru Mon 9/3/07
Office Use	DEVELOPMENTS			APARTMENT SIZE					REMARKS
				0-BR	1-BR	2-BR	3-BR	4-BR	
022	AMSTERDAM W. 61st St. & Amsterdam Ave.	W	◆						Includes Amsterdam Addition & Harborview.
125	AUDUBON W. 155th St. & Amsterdam Ave.	W							
060	BARUCH Colombia & Delancey Sts.	W	◆	A	A				
286	CAMPOS PLAZA II E. 13th St. & Ave. C	W	◆						
058	CARVER E. 102nd St. & Madison Ave.	W							
134	CHELSEA W. 26th St. & Ninth Ave.	W	A	A					Includes Elliot.
123	CLINTON E. 109th St. & Lexington Ave.	W	◆					A	
359	DOVE SITE W. 84th St. & Amsterdam Ave.	W	◆					◆	Managed by Grenadier.
082	DOUGLASS W. 103rd St. & Columbus Ave.	W	A	A					Includes 830 Amsterdam Ave., and Douglass Addition.
515	DOUGLASS REHABS 314 E. 100th St.						◆	◆	Managed by Grenadier. Includes 239-251 West 103rd St., 241 W. 101th St. and 244 West 104th St. Some Walk-ups.
111	DREW-HAMILTON W. 142nd St. & Adam Clayton Po W	A	AA	A	AA	A			
041	DYCKMAN Dyckman St. & Nagle Ave.	W	◆	A				◆	
009	EAST RIVER E. 105th St. & First Ave.	W	A				A		
136	FULTON W. 17th St. & Ninth Ave.	W							
100	GOMPERS Delancey & Pitt Sts.	W	A	A					Includes Hernandez and Lower East Side I Infill.
087	GRANT W. 125th St. & Amsterdam Ave.	W	◆						
003	HARLEM RIVER W. 151st St. & Adam Clayton Pov W			A					Includes Harlem River II. Some walk-ups. Includes Holmes.
139	ISAACS E. 92nd St. & First Ave.	W							
064	JEFFERSON E. 115th St. & Third Ave.	W		A	A				Includes 335 E. 111th St.
017	JOHNSON E. 114th St. & Lexington Ave.	W				A		A	
030	KING TOWERS W. 115th St. & Fifth Ave.	W				A			
076	LA GUARDIA Madison & Montgomery Sts.	W	◆						Includes Two Bridges.
101	LEHMAN VILLAGE E. 108th St. & Madison Ave.	W	◆	AA					
020	LINCOLN E. 132nd St. & Madison Ave.	W				A			
337	LOWER EAST SIDE II Ave. C & E. Fifth St.	W		(A)					Includes Bracetti Plaza, First Houses and LES V. Some walk-ups.
364	LOWER EAST SIDE III E. 9th St. & Ave. D	W	◆	◆				◆	Managed by Grenadier. Mostly Walk-ups.
081	MANHATTANVILLE W. 126th St. & Broadway	W		A					Includes Manhattanville Rehab.
181	METRO NORTH CONSOLIDATED E. 101st St. & Second Ave.	W	◆						Includes Wilson. Managed by East River.
149	POLO GROUNDS TOWERS W. 155th St. & Frederick Douglas	W	A	AA			A	A	
278	RANDOLPH W. 114th St. & Frederick Douglas	W							Managed by King Towers. Includes Grampion. Some walk-ups.
037	RANGEL W. 159th St. & Harlem River Dr.	W	◆	A				◆	
018	RIIS E. 10th St. & Ave D	W		A					

## LEGEND:

◆ = No Apartments In This Size

W = At Least One Wheelchair Accessible Building

\* = New Development

A = Vacancy Anticipated

AA=Immediate Vacancy Anticipated

WORKING FAMILY

EFFECTIVE DATE Tues 8/21/07

- Mon 9/3/07

RECEIVED

AUG 29 2007

LOUIS ARMSTRONG HOUSES

Julia Betancur

Z

66-00A

# **EXHIBIT E**



[illegible]

# **EXHIBIT F**

5/27/08  
09:01:49

CURRENT BALANCE

ARMSTRONG I 3-69A

210 066 00A BETANCES , JULIA

Monthly Rent \$764.00 Rent Chg Date 2-01-2008

Transaction CURRENT Rent Chg Number 2100588207

Amount Being Paid \$.00

	Amount Due	Payment Amount	Last Payment
Rent	\$5,692.00	\$.00	10-09-2007
Recur	\$.00	\$.00	- -
Retro	\$.00	\$.00	- -
Legal	\$37.50	\$.00	07-29-2005
Misc	\$.00	\$.00	07-29-2005
Security	\$.00	\$.00	- -

TOTALS \$5,729.50 \$.00

Enter To Continue F3=Exit

5/27/08

09:02:13

NYCHA / P.T.M.S.  
Rent Collection System

LEDGCRDCBL  
ARMSTRNG02

Tenant Balance and Payments Payment Plan: NONE

Monthly Rent \$764.00

RCN# 2100588207

Date Effective 020108

210 066 00A BETANCES , JULIA

(X) Select for Browse Details

Date	Cash	#Chks	Checks	Charges	Credits	Balance
------	------	-------	--------	---------	---------	---------

CURRENT TENANT BALANCE						\$5,729.50
------------------------	--	--	--	--	--	------------

05-00-2008	RENT POSTED			764.00		\$4,965.50
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04-00-2008	RENT POSTED			764.00		\$4,201.50
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03-00-2008	RENT POSTED			764.00		\$3,437.50
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02-19-2008	CHARGES/CREDITS				37.50	\$3,475.00
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02-00-2008	RENT POSTED			764.00		\$2,711.00
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Enter To Continue F3=Exit F5=Refresh F12=Cancel F17=Top F18=Bottom

5/27/08

09:02:13

Tenant Balance and Payments Payment Plan: NONE

Monthly Rent \$764.00

RCN# 2100588207

Date Effective 020108

210 066 00A BETANCES, JULIA

(X) Select for Browse Details

Date	Cash	#Chks	Checks	Charges	Credits	Balance
02-00-2008	ANNUAL REVIEW PROCESS					\$2,711.00
01-00-2008	RENT POSTED			725.00		\$1,986.00
12-18-2007	LEGAL CHARGE			37.50		\$1,948.50
12-00-2007	RENT POSTED			725.00		\$1,223.50
12-00-2007	ADJUSTMENT PROCESS					\$1,223.50
11-00-2007	RENT POSTED			701.00		\$522.50

+

Enter To Continue F3=Exit F5=Refresh F12=Cancel F17=Top F18=Bottom

5/27/08

09:02:13

NYCHA / P I M S  
Rent Collection System

LEDGCRDCBL  
ARMSTRNG02

Tenant Balance and Payments Payment Plan: NONE

Monthly Rent \$764.00

RCN# 2100588207

Date Effective 020108

210 066 00A BETANCES

, JULIA

(X) Select for Browse Details

Date	Cash	#Chks	Checks	Charges	Credits	Balance
10-09-2007	PAYOMATIC PAYMENT				700.00	\$1,222.50
	\$700.00					
10-00-2007	RENT POSTED			701.00		\$521.50
09-04-2007	PAYOMATIC PAYMENT				600.00	\$1,121.50
	\$600.00					
09-00-2007	RENT POSTED			701.00		\$420.50
08-31-2007	PAYOMATIC PAYMENT				1000.00	\$1,420.50
	\$1000.00					
08-08-2007	PAYOMATIC PAYMENT				500.00	\$1,920.50
	\$500.00					

+

Enter To Continue F3=Exit F5=Refresh F12=Cancel F17=Top F18=Bottom

5/27/08

09:02:13

Rent Collection System

ARMSTRNG02

Tenant Balance and Payments Payment Plan: NONE

Monthly Rent \$764.00

RCN# 2100588207

Date Effective 020108

210 066 00A BETANCES , JULIA

(X) Select for Browse Details

Date	Cash	#Chks	Checks	Charges	Credits	Balance
08-00-2007	RENT POSTED			701.00		\$1,219.50
07-00-2007	RENT POSTED			701.00		\$518.50
06-29-2007	PAYOMATIC PAYMENT				430.00	\$948.50
	\$430.00					
06-00-2007	RENT POSTED			701.00		\$247.50
05-17-2007	PAYOMATIC PAYMENT				701.00	\$948.50
	\$701.00					
05-00-2007	RENT POSTED			701.00		\$247.50

+

Enter To Continue F3=Exit F5=Refresh F12=Cancel F17=Top F18=Bottom

5/27/08  
09:02:13

Tenant Balance and Payments Payment Plan: NONE

Monthly Rent \$764.00  
RCN# 2100588207  
Date Effective 020108

210 066 00A BETANCES , JULIA

(X) Select for Browse Details

Date	Cash	#Chks	Checks	Charges	Credits	Balance
04-12-2007	PAYOMATIC PAYMENT				800.00	\$1,047.50
	\$800.00					
04-00-2007	RENT POSTED			701.00		\$346.50
03-05-2007	PAYOMATIC PAYMENT				400.00	\$746.50
	\$400.00					
03-00-2007	RENT POSTED			701.00		\$45.50
02-09-2007	PAYOMATIC PAYMENT				300.00	\$345.50
	\$300.00					
02-05-2007	PAYOMATIC PAYMENT				400.00	\$745.50
	\$400.00					+

Enter To Continue F3=Exit F5=Refresh F12=Cancel F17=Top F18=Bottom



5/27/08

N Y C H A / P I M S

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09:02:13

Case 1:08-cv-04794-RMB Document 14 Filed 06/03/2008 Page 25 of 32

Rent Collection System

ARMSTRNG02

Tenant Balance and Payments Payment Plan: NONE

Monthly Rent \$764.00

210 066 00A BETANCES , JULIA

RCN# 2100588207

(X) Select for Browse Details

Date Effective 020108

Date	Cash	#Chks	Checks	Charges	Credits	Balance
02-00-2007	RENT POSTED			701.00		\$44.50
02-00-2007	ANNUAL REVIEW PROCESS					\$44.50
01-11-2007	PAYOMATIC PAYMENT				600.00	\$644.50
	\$600.00					
01-03-2007	PAYOMATIC PAYMENT				700.00	\$1,344.50
	\$700.00					
01-00-2007	RENT POSTED			607.00		\$737.50
12-18-2006	LEGAL CHARGE			37.50		\$700.00

+

Enter To Continue F3=Exit F5=Refresh F12=Cancel F17=Top F18=Bottom

# **EXHIBIT G**

## CIVIL COURT OF THE CITY OF NEW YORK

County of Kings  
Date 4/14/08Part AIndex No. L&T: 28651/07Page 1 of 1Hon. Stanley

## STIPULATION OF SETTLEMENT

The parties understand that each party has the right to a trial, the right to see a Judge at any time and the right not to enter into a stipulation of settlement. However, after review of all the issues, the parties agree that they do not want to go to trial and instead agree to the following stipulation in settlement of the issues in this matter.

Armstrong

against

Petitioner(s),

Julia Betances

Respondent(s)

Party (please print)

Added/Amended  
or Deleted

Appearance

No Appearance

No Answer

Petitioner

Respondent 1

Respondent 2

Respondent 3

Case adjourned until 5/19 for Respondent to go to the management office for a possible settlement adjustment.

Respondent shall bring all documentation including all proof of income.

In consideration of the adjournment, Respondent shall pay \$500 on or before 5/19.

Respondent to go to management office on 4/21 at 1000 a.m. for the possible adjustment.

Julia Betances  
Respondent

Julia Betances  
H.A.

Tracy Foster

# **EXHIBIT H**

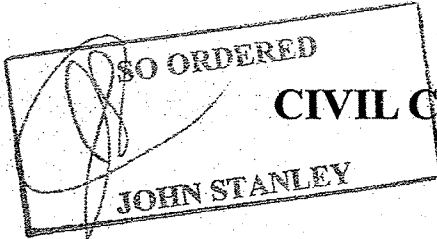
Run Date: 5/19/08 4:41:12PM  
 NEW YORK CITY HOUSING AUTHORITY  
 ADMISSION/INCOME REVIEW TRANSCRIPT  
 Map Proj. No: 210 Account No: 066-00A Date of Admission to Public Housing: 12/16/98 Transaction: (09) Adjustment  
 Race: WHITE Ethnicity: PUERTO RICAN Elderly Status: (0) NON-ELDERLY Review Quarter: 4  
 Apartment Move-In Date: 12/23/98  
 Family Composition: (3) SINGLE PARENT W/CHILD (REN)  
 Mem No. Last Name, First Name, Middle Initial Maiden Name Social Security # Date of Birth Place of Birth Sex Marital Status Dis/Student EMP  
 1 KENNETH MURPHY ALLEN 061866720 8/18/1960 NEW YORK M M V Y/N Y/N R  
 Effective Date of Adjustment: 6/08  
 Source of Current Income (CODE(S)): 1 7  
 Mem First Name Last Name Sal/UB/ Soc-Sec/ Pen-7881/ Assist Public  
 1 ALLEN KENNETH \$20,320 \$0 \$0 \$0 \$0 \$0  
 Number of NYCHA Employees: 99 99 99  
 Total Medical Deduction: \$0 Child Care Deduction: \$0 Grand Total ALL Income: \$28,242  
 Worksheet Total Deduction: \$480 Additional Charges: \$0 Handicapped Deduction: \$0  
 Net Income for Rent: \$27,762 Utility Allowance: \$0 Net Family Assets: \$0  
 Rent Calculation Code: (1) Tenant's New Rent Payment: \$694.00  
 Retro (Charge/Credit): (2) Credit Class of Rent: 30% STATUTORY RENT  
 Retro Period Covered: 5/01/08 - 6/01/08 Total Retro Amount: \$70.00  
 Rent Change Number: 2100614607  
 Previous BORO: NEW ADMISSION ONLY  
 Previous Housing: Former Rent:  
 Last Date of Application: Date of Admission to Public Housing:  
 Preference for Selection:  
 PHA OFFICIAL'S CERTIFICATION: I certify that the information provided in this form has been verified, that the family was eligible at admission, and that no change occurred from the previous information review certification, and that the family has certified that it has given our agency accurate and complete information.  
 Completed By: KENNETH MURPHY Title: HA Date: 5/19/08 Income Review Year: 08

*Kenneth Murphy*  
 5/19/08

# **EXHIBIT I**



NYCHA 150.098 (Rev. 10/06)



**CIVIL COURT OF THE CITY OF NEW YORK**  
 COUNTY OF Kings  
 HOUSING COURT PART A

Index Number

L&T

28651/07

Year 20

6/2

NEW YORK CITY HOUSING AUTHORITY,

Petitioner

Name

Address  
& Apt.

Borough  
& Development

Respondent

Armstrong  
against  
Julia Belances

HON.

Stanley

Dated:

5/20

20

IT IS HEREBY STIPULATED AND AGREED BY AND BETWEEN THE PARTIES TO THIS PROCEEDING:

1. Petition is hereby amended to include all rents due and owing to date \_\_\_\_\_ in the sum of \$ \_\_\_\_\_
2. Final Judgment in favor of Petitioner for possession and for the sum of \$ \_\_\_\_\_
3. Warrant is stayed pursuant to the following schedule: Tenant-Respondent is to pay to Petitioner the sum of \$ \_\_\_\_\_ on or before \_\_\_\_\_

Respondent waives Petitioner's prima facie case & waives traverse. The sole issue to be tried is Respondent's claim for an abatement.

Respondent will not challenge amount of rent/appears based on housing court's limited subject matter jurisdiction, but reserves rights to "grieve" same.

Upon default in any payment, stay is vacated and warrant to issue forthwith.

[Signature]  
 Respondent

The Legal Aid Society by Linda Weiss

RICARDO ELIAS MORALES

By:

[Signature]  
 Attorney for Petitioner

SO ORDERED: \_\_\_\_\_

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK**

-----x  
**JULIA BETANCES,**

**Plaintiff,**

**Civ. No. 08-4794 (RMB)**

**-against-**

**THE NEW YORK CITY HOUSING AUTHORITY,  
and TINO HERNANDEZ, as Chairman of  
the New York City Housing Authority,**

**Defendants.**  
-----x

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**DECLARATION OF MICHAEL ROBINSON  
IN OPPOSITION TO PLAINTIFF'S MOTION  
FOR A PRELIMINARY INJUNCTION**

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**RICARDO ELIAS MORALES  
General Counsel  
New York City Housing Authority  
Donna M. Murphy, Of Counsel  
Attorney for Defendants  
250 Broadway, 9<sup>th</sup> Floor  
New York, New York 10007  
(212) 776-5244**